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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,532	10/23/2003	J. Rodney Walton	020573	2316
23696 7590 06/28/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER TSEGAYE, SABA	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 06/28/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/693,532	Applicant(s) WALTON ET AL.	
	Examiner Saba Tsegaye	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 39, 40 and 42-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 39, 40, and 42-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to the amendment filed 12/27/06. claims 1-16, 39, 40, and 42-99 are pending. Currently no claims are in condition for allowance.

***Claim Objections***

2. Claim 15 is objected to because of the following informalities: Line 7, the word “than” is misspelled. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. Claims 1-11, 15, 16, 39, 40, 42, 43, 48-58, 62-69, 71-73, 78-88, 90-92 and 97-99 are rejected under 35 U.S.C. 102(e) as being anticipated by Myles et al. (US 6,879,579 B1).

Regarding claims 1 and 54, Myles discloses a method of accessing a wireless multiple-access communication system, comprising:

receiving at least one broadcast message including information regarding configuration of at least two contention-based random access channels for a frame (column 4, lines 40-45; claim 8);

determining a current operating state of a terminal (registered or unregistered (column 8, lines 23-26));

selecting one contention-based random access channel from among at least two contention-based random access channels based on the current operating state (selecting form a plurality of channels based on “an empty-state”, “a reserved-state”, or “an owner-state” column 4, lines 55-60); and

transmitting a message on the selected random access channel to access the system during the frame (a mobile station transmits messaged based on “an empty-state”, “a reserved-state”, or “an owner-state; up-link and down-link slot pairs are scheduled over a frame (column 10, lines 12-13; column 11, lines 7-11)).

Regarding claim 2, Myles discloses the method wherein the at least two random access channel include a first random access channel used by registered terminals for system access (registered terminals access the system using modified R-ALOHA protocol (column 11, lines 9-16)) and a second random access channel used by registered and unregistered terminals for system access (empty-state; any mobile station with queued data units is allowed to contend for access the system using a slotted ALOHA).

Regarding claim 3, Myles discloses the method, wherein transmissions on the first random access channel are compensated for propagation delay (column 9, lines 51-62).

Regarding claims 4, 65 and 82, Myles discloses the method wherein the current operating state is indicative of whether or not the terminal has registered with the system (column 8, lines 40-44).

Regarding claims 5, 16, 66 and 83, Myles discloses the method of claim 1, wherein the current operating state is indicative of whether or not the terminal can compensate for propagation delay to an access point receiving the message (see fig. 10; column 9, lines 51-62).

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Regarding claims 6-8, 67 and 84-86, Myles discloses that users are informed interference via a feedback channel, and if interference has occurred, the packet is retransmitted after a random time delay (see figs. 11b-c; column 8, lines 45-50).

Regarding claim 9, the method of claim 1, wherein the transmitting includes selecting a slot from among a plurality of slots available for the selected random access channel, and transmitting the message in the selected slot (column 13, lines 1-10).

Regarding claims 10, 11, 68, 69, 87 and 88, the method of claim 1, wherein the message includes an identifier for the terminal (see fig. 9).

Regarding claim 15, Myles discloses a method of accessing a wireless multiple-access multiple-input multiple-output communication system, comprising:

determining whether a terminal is registered or unregistered with the system (column 8, lines 23-26);

if the terminal is registered, transmitting a first message on a first contention-based random access channel to access the system (column 11, lines 13-17); and

if the terminal is unregistered, transmitting a second contention-based message with a different format (un-registered mobile station use a modified ALOHA protocol; column 8, lines 24-26) than the first message on a second random access channel to access the system (column 11, lines 7-12).

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Regarding claims 39 and 40, Myles discloses a terminal in a wireless multiple-access communication system, comprising:

a controller operative to determine a current operating state of the terminal (registered or unregistered (column 8, lines 23-26)) and to select one contention-based random access channel from among at least two contention-based random access channels (selecting from a plurality of channels based on “an empty-state”, “a reserved-state”, or “an owner-state” column 4, lines 55-60) for use to access the system based on the current operating state and to process an assignment, received responsive to the message, to utilize at least one channel, other than the at least two contention based random access channels, for data transmission (see Fig. 11a-c; column 12, line 62-column 13, line 10); and

a data processor operative to process a message for transmission on the selected contention-based random access channel (a mobile station transmits message based on “an empty-state”, “a reserved-state”, or “an owner-state”).

Regarding claim 42, Myles discloses the method wherein receiving the at least one broadcast message comprises receiving at least two broadcast messages each associated with a different one of the at least two random access channels (column 10, lines 12-18; line 62-column 11, line 6).

Regarding claim 43, Myles discloses the method further comprising determining a slot to transmit the message on the one contention-based random access channel based upon a slot assigned to the at least one contention-based random access channel in the at least one broadcast

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message and wherein transmitting comprises transmitting the message in the slot of the frame (column 11, lines 1-6).

Regarding claim 48, Myles discloses the method wherein determining the current operating state of a terminal comprises determining if the terminal is scheduled and the method further comprising utilizing a data channel, and not selecting one contention-based random access channel, for transmission (column 13, lines 3-10).

Regarding claim 49, Myles discloses the method wherein a first contention-based random access channel of the at least two contention-based random access channels corresponds to a contention-based random access channel used by a terminal after acquiring system frequency, wherein determining comprises determining whether the terminal has acquired the system frequency, and wherein selecting comprises selecting the first contention-based random access channel as the one contention-based random access channel when the terminal has acquired the system frequency and is not registered (column 11, lines 7-11).

Regarding claims 50 and 78, Myles discloses the method of claim 1, wherein transmitting the message comprises transmitting a different message format (empty, reserved or an owner state) on each of the at least two contention-based random access channels (column 4, lines 40-45).

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Regarding claims 51, 62 and 97, Myles discloses the method further comprising receiving an assignment responsive to the message from a base station (column 9, lines 54-60).

Regarding claims 52, 63, 79 and 98, Myles discloses the method wherein receiving the assignment comprises receiving an acknowledgement in a message including the assignment (column 9, lines 54-60).

Regarding claims 53, 64 and 99, Myles discloses the method further comprising determining scheduling information of the assignment for a channel distinct from the at least two contention-based random access channels (column 10, line 62-column 11, line 6).

Regarding claims 55, 71 and 90, Myles discloses the method further comprising receiving information corresponding to parameters conveying configuration information for the first contention-based random access channel (column 6, lines 5-16; column 10, lines 19-28).

Regarding claims 56, 72, and 91, Myles discloses the method wherein the information is received via a broadcast message (claim 8 and 69).

Regarding claims 57, 73 and 92, Myles discloses the method further comprising receiving information corresponding to parameters conveying configuration information for the second contention-based random access channel in another broadcast message different than the broadcast message (claim 8 and 69).



Regarding claim 58, Myles discloses the method further comprising determining a slot to transmit the message on the first contention-based random access channel based upon the parameters and wherein transmitting comprises transmitting the first message in the slot (column 6, lines 5-16; column 10, lines 19-28).

Regarding claim 80, Myles discloses the terminal wherein the at least one channel other than the at least two contention based random access channels is a forward link data channel and the controller is operative to communicate using forward link data channel (column 8, lines 40-50).

Regarding claim 81, Myles discloses the terminal wherein the at least one channel other than the at least two contention based random access channels is a reverse link data channel and the controller is operative to communicate using forward link data channel (column 8, lines 40-50).

***Claim Rejections - 35 USC § 103***

4. Claims 14, 44-47, 59-61, 74-77 and 93-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myles.

Myles discloses all the claim limitations as stated above. However, Myles does not expressly disclose that the multiple-access communication system uses OFDM.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use OFDM in the communication system of Myles. One ordinary skill in the art would

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have been motivated to do this because using OFDM reduces multiple-access interference so that spectral efficiency and high data rate limits in a common wireless channel are increased.

5. Claims 12, 70 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myles in view of du Crest et al. (US 2004/0047292).

Myles discloses all the claim limitations as stated above. Further, Myles discloses that each of the stations is assigned a unique identification. However, Myles does not expressly disclose a common identifier used by unregistered terminals.

Crest teaches that when a traffic channel shared by more than one user terminal, an identifier can determine terminal by a temporary flow identity. This identifier survives only for the duration of the channel, i.e. it does not code for the user terminal uniquely but is merely used to identification of messages to or from a particular user terminal for the time period of the respective channel transmission (0057).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Crest of using a common identifier in the system of Myles. One of ordinary skill in the art would have been motivated to do this because using a common identifier allows reusing and sharing the same identifier.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Myles in view of Caldwell (US 2002/0122393).

Myles discloses all the claim limitations as stated above, except for multiple-access communication system supports terminal with multiple antennas.

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Caldwell teaches in Fig. 1, a mobile terminal that comprises two antennas 12 and 26. It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Caldwell of using multiple antennas in the system of Myles. One of ordinary skill in the art would have been motivated to do this because multiple antennas allows the mobile terminals to measure the quality of signal reception by each of the two antennas and selects the one of the at least two antennas providing the better quality of signal reception.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-16, 39, 40 and 42-99 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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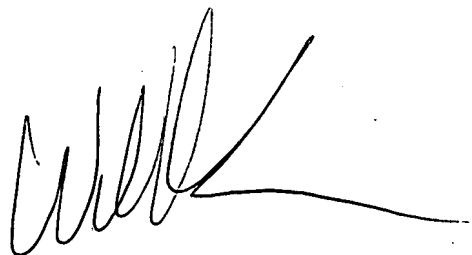
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ST

June 24, 2007

A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal stroke extending to the right.

WELLINGTON CHIN  
REGISTRY PATENT EXAMINER